

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

NOLAN CAIN,

Plaintiff,

vs.

STANGER ENTERPRISES LLC, and
AARON M. STANGER,

Defendants.

4:23CV3195

ORDER TO SHOW CAUSE

This matter comes before the Court after a review of the docket and pursuant to [NECivR 41.2](#), which states in relevant part: “At any time, after appropriate notice, a case not being prosecuted with reasonable diligence may be dismissed for lack of prosecution.”

Plaintiff named and served Stanger Enterprises LLC (“Stanger Enterprises”) as a Defendant pursuant to the original Complaint. Stanger Enterprises answered. [Filing No. 12](#). The Court then granted Plaintiff’s motion for leave to file an amended complaint. On March 25, 2024, Plaintiff filed and served his Amended Complaint on Stanger Enterprises. [Filing No. 26](#); see [Fed. R. Civ. Proc. 5](#) (pleading filed after original complaint served on party who has appeared in the case by electronically filing it with the Court’s electronic-filing system). Stanger Enterprises has not answered or otherwise responded to the Amended Complaint. See [Fed. R. Civ. Proc. 15\(a\)\(3\)](#) (response to amended pleading due later of time remaining to respond to original pleading or 14 days after service of amended pleading).

Plaintiff has a duty to prosecute the case with reasonable diligence and advance the case in accordance with the applicable rules and/or take other action as appropriate.

Accordingly,

IT IS ORDERED that Plaintiff shall have until June 5, 2024 to show cause why the claims against Stanger Enterprises should not be dismissed pursuant to [NECivR 41.2](#) for want of prosecution. The failure to timely comply with this order may result in dismissal of the claims against Stanger Enterprises without further notice.

Dated this 22nd day of May, 2024.

BY THE COURT:

s/ Jacqueline M. DeLuca

United States Magistrate Judge